

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

JASMINE DOVE ANNA GRAHAM,

Plaintiff,

v.

**PORTLAND PUBLIC SCHOOL
DISTRICT #1J, JOLLEEN PATTERSON,
KARL LOGAN, CAROL SMITH,
KRISTIE CUNIN, T.J. FULLER, RUTH
TUCKER, TAMMY JACKSON, and
CARLA RANDALL,**

Defendant.

Case No. 3:13-cv-00911-AC

ORDER

Michael H. Simon, District Judge.

United States Magistrate Judge John V. Acosta issued Findings and Recommendation in this case on July 8, 2015. Dkt. 85. Judge Acosta recommended that the Court dismiss Plaintiff's claims with prejudice. Judge Acosta further recommended that all of Plaintiff's children's claims be dismissed without prejudice so that they may pursue their claims when represented by counsel or when they reach the age of majority. No party has filed objections.

Under the Federal Magistrates Act ("Act"), the court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C.

§ 636(b)(1)(C). If a party files objections to a magistrate’s findings and recommendations, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

If no party objects, however, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”). Nor does the Act “preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Thomas*, 474 U.S. at 154. And the Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court review the magistrate’s findings and recommendations for “clear error on the face of the record.” As no party has made objections, the Court follows the recommendation of the Advisory Committee and reviews Judge Acosta’s Findings and Recommendation for clear error on the face of the record. No such error is apparent.

The Court ADOPTS Judge Acosta’s Findings and Recommendation. Dkt. 85. Plaintiff’s claims are DISMISSED with prejudice. Plaintiff’s children’s claims are DISMISSED without prejudice so that they may pursue their claims when represented by counsel or when they reach the age of majority.

IT IS SO ORDERED.

DATED this 29th day of July, 2015.

/s/ Michael H. Simon
Michael H. Simon
United States District Judge